

State of Alaska FY2010 Governor's Operating Budget

**Department of Administration
Office of Public Advocacy
Component Budget Summary**

Component: Office of Public Advocacy

Contribution to Department's Mission

Provide legal advocacy and guardian services to vulnerable Alaskans.

Core Services

- The Office of Public Advocacy (OPA) provides legal, guardian ad litem, and public guardian representation upon court order of appointment, for: abused and neglected children involved in protective proceedings, mentally incapacitated adults, parents involved in child protective proceedings, individuals accused of crimes, and elderly Alaskans who have been the victims of fraud or financial exploitation.

End Result	Strategies to Achieve End Result
<p>A: Public Guardian clients will receive all financial benefits to which they are entitled.</p> <p>Target #1: All clients receive the financial benefits to which they are entitled.</p> <p>Status #1: FY2008, 2% of clients did not receive benefits to which they were entitled. Percentage of clients not receiving financial benefits to which they are entitled has decreased since FY2005.</p> <p>Target #2: Clients will not experience a lapse in any benefit to which they are entitled.</p> <p>Status #2: FY2008, 4% of clients experienced a lapse in benefits or income. Percentage of clients experiencing a lapse in benefits or income has decreased since FY2005.</p>	
End Result	Strategies to Achieve End Result
<p>B: Public Guardian clients will have shelter available to them.</p> <p>Target #1: OPA Public Guardian clients in need of housing will be identified and housing options will be developed for each OPA Public Guardian client in need of housing.</p> <p>Status #1: FY2008, 3% of OPA Public Guardian clients in need of housing were without shelter which represents a slight increase over FY2007.</p>	
End Result	Strategies to Achieve End Result
<p>C: Public Guardian clients' income/assets/resources are properly managed to meet their basic needs and to prevent waste and dissipation.</p> <p>Target #1: 100% of clients' monthly expenses are paid</p>	<p>C1: To create and manage a budget for each Public Guardian client and review annually.</p> <p>Target #1: Budgets are created for all clients.</p> <p>Status #1: FY2008, 97% of clients had budgets created</p>

or accommodations are made to address or resolve debt. <u>Status #1:</u> FY2008, 97% of clients' monthly expenses were paid or accommodations were made to address or resolve debt.	and maintained for them, a 2% increase over FY2007 and the highest percentage since the measurement began in FY2004.
End Result	Strategies to Achieve End Result
D: Child's best interests are represented at all stages of child in need of aid (CINA) proceedings. <u>Target #1:</u> Every child who is involved in a child in need of aid (CINA) case, in which a guardian ad litem is appointed pursuant to AS 44.21.410(3), will have his/her best interests represented to the court by the guardian ad litem. <u>Status #1:</u> FY2008, 100% of children involved in a CINA case were represented by a guardian ad litem.	D1: The guardian ad litem will visit with each child as early as possible to explain proceedings, obtain information and assess child's best interests. <u>Target #1:</u> All children are met within five working days of guardian ad litem appointment. <u>Status #1:</u> FY2008, 69% of children met with their guardian ad litem within 5 working days, an 18% increase over FY2007. D2: The court is fully informed of child's best interests at disposition phase of child in need of aid (CINA) proceedings. <u>Target #1:</u> All guardian ad litem predisposition reports are filed in a timely manner. <u>Status #1:</u> FY2008, 75% of predisposition reports were filed on time, a 7% increase over FY2007.

FY2010 Resources Allocated to Achieve Results

FY2010 Component Budget: \$21,274,400

Personnel:

Full time	118
Part time	1
Total	119

Performance

A: Result - Public Guardian clients will receive all financial benefits to which they are entitled.

Target #1: All clients receive the financial benefits to which they are entitled.

Status #1: FY2008, 2% of clients did not receive benefits to which they were entitled. Percentage of clients not receiving financial benefits to which they are entitled has decreased since FY2005.

% of clients not receiving income to which they are entitled.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		2.0%
FY 2007		2.0%
FY 2006	2.0%	5.3%
FY 2005	6.0%	8.0%

Methodology: Data provided on a semi annual basis for FY2005 and FY2006. The data for FY2007 & FY2008 is for the entire fiscal year.

Analysis of results and challenges: The percent of clients not receiving income to which they are entitled remained the same. This is attributable to less staff turnover and the addition of a benefits specialist to the public guardian staff in FY2007.

Target #2: Clients will not experience a lapse in any benefit to which they are entitled.

Status #2: FY2008, 4% of clients experienced a lapse in benefits or income. Percentage of clients experiencing a lapse in benefits or income has decreased since FY2005.

% of clients who experienced a lapse in benefits or income.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		4.0%
FY 2007		4.0%
FY 2006	3.4%	9.6%
FY 2005	10.0%	13.0%

Methodology: Data provided on a semi annual basis for FY2006 and FY2007. The data for FY2007 is for the entire fiscal year.

Analysis of results and challenges: The percentage of clients who experienced a lapse in benefits to which they are entitled remained the same during FY2008. This is attributable to less staff turnover and the work of a benefits specialist with the public guardian staff. Additionally, lapses appear to be the result of outside factors such as incarceration, civil commitment or delayed paperwork in other agencies.

B: Result - Public Guardian clients will have shelter available to them.

Target #1: OPA Public Guardian clients in need of housing will be identified and housing options will be developed for each OPA Public Guardian client in need of housing.

Status #1: FY2008, 3% of OPA Public Guardian clients in need of housing were without shelter which represents a slight increase over FY2007.

% of OPA Public Guardian clients in need of housing without shelter.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		3.0%
FY 2007		2.0%
FY 2006	3.4%	8.5%

Analysis of results and challenges: The percentage of public guardian clients in need of housing without shelter available to them increased slightly during fiscal year 2008.

C: Result - Public Guardian clients' income/assets/resources are properly managed to meet their basic needs and to prevent waste and dissipation.

Target #1: 100% of clients' monthly expenses are paid or accommodations are made to address or resolve debt.

Status #1: FY2008, 97% of clients' monthly expenses were paid or accommodations were made to address or resolve debt.

% of client's monthly expenses paid or with accommodations made to address/resolve debt.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		97 0%
FY 2007		97 +4.3%
FY 2006	95%	93

Analysis of results and challenges: The percentage of public guardian clients' monthly expenses paid or with accommodations made to address/resolve debt remained the same. This can be attributed to less staff turnover during the two years.

C1: Strategy - To create and manage a budget for each Public Guardian client and review annually.

Target #1: Budgets are created for all clients.

Status #1: FY2008, 97% of clients had budgets created and maintained for them, a 2% increase over FY2007 and the highest percentage since the measurement began in FY2004.

% of clients for whom budgets were created for them.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		97%
FY 2007		95%
FY 2006	92%	86%
FY 2005	89%	91%
FY 2004	84%	95%

Analysis of results and challenges: The percentage of public guardian clients for whom budgets were created and maintained increased during fiscal year 2008. Again, this can be attributed to less staff turnover.

D: Result - Child's best interests are represented at all stages of child in need of aid (CINA) proceedings.

Target #1: Every child who is involved in a child in need of aid (CINA) case, in which a guardian ad litem is appointed pursuant to AS 44.21.410(3), will have his/her best interests represented to the court by the guardian ad litem.

Status #1: FY2008, 100% of children involved in a CINA case were represented by a guardian ad litem.

% of children whose best interest is represented to the court by his/her guardian ad litem at a CINA proceeding.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		100%
FY 2007		100%
FY 2006	99.0%	99.0%

Analysis of results and challenges: CINA Rule 11, which became effective in April of 2006, now requires the appointment of a guardian ad litem in all proceedings.

D1: Strategy - The guardian ad litem will visit with each child as early as possible to explain proceedings, obtain information and assess child's best interests.

Target #1: All children are met within five working days of guardian ad litem appointment.

Status #1: FY2008, 69% of children met with their guardian ad litem within 5 working days, an 18% increase over FY2007.

% of children met within five working days of guardian ad litem appointment.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		69.0%
FY 2007		51.0%
FY 2006	52.0%	65.0%

Analysis of results and challenges: 07/01/05-12/31/05: 52% of children were seen within 5 working days; an additional 11% were seen within 10 working days; 27% were out of state, on runaway status, or otherwise unavailable.

01/01/06-06/30/06: 65% of children were met within 5 working days; an additional 13% were met within 10 working days; 18% were out of the region or otherwise legitimately unavailable to be met within 5 days.

07/01/06-06/30/07: 51% of children were met within 5 working days; an additional 20% were met within 10 working days; 15% were out of the region or otherwise legitimately unavailable to be met within 5 days.

07/01/07-06/30/08: 69% of children were met within 5 working days; an additional 17% were met within 10 working days; 2 % were out of the region or otherwise legitimately unavailable to be met within 5 days.

D2: Strategy - The court is fully informed of child's best interests at disposition phase of child in need of aid (CINA) proceedings.

Target #1: All guardian ad litem predisposition reports are filed in a timely manner.

Status #1: FY2008, 75% of predisposition reports were filed on time, a 7% increase over FY2007.

% of guardian ad litem predisposition reports filed on time.

Fiscal Year	semi-annual	semi-annual/annual
FY 2008		75%
FY 2007		68%
FY 2006	61%	70%

Analysis of results and challenges: 07/01/05-12/31/05: 61% of reports were filed on or before their due date; and 20% were filed one day late.

01/01/06-06/30/06: 70% of reports were filed on or before their due date; and 18% were filed one day late.

07/01/06-06/30/07: 68% of reports were filed on or before their due date; and 18% were filed one day late.

07/01/07-06/30/08: 75% of reports were filed on or before their due date; and 6% were filed one day late.

Key Component Challenges

Because of the difficulty in accurately projecting case types and costs for upcoming budget years, OPA workload and caseload increases have often been funded through supplemental appropriations. OPA continued to see significant increases in the Public Defender conflict cases in fiscal year 2008. Increases are expected in the upcoming fiscal year. Advocating for abused and neglected children, providing guardianship services to incapacitated adults, and providing representation in the Public Defender Agency conflict cases becomes increasingly difficult as caseloads per staff member continue to grow.

Significantly, the Office of Public Advocacy has established its various sections and offices as separate "law firms" to reduce the number of "conflict cases" that must be sent to more costly private contractors. The result has been that OPA is retaining many more cases in-house and realizing significant budget savings by utilizing more cost-effective staff attorneys. In order to continue to retain more cases in-house while ensuring adequate representation

of OPA's clients, additional staff attorneys, guardians ad litem, public guardians, and support personnel may need to be added. The agency will seek ways to further increase the efficiency of our in-house staff by providing adequate administrative support staffing, supervision and mentorship so that they can effectively handle high caseloads. In addition, offices may be opened in geographical regions currently served solely by contractors where the economies of scale would indicate more efficient advocacy with OPA staff. Current areas being reviewed include the Kenai Peninsula and Juneau. OPA will continue to monitor caseload growth and budget projections to determine future funding needs as accurately as possible.

In 2006, the Legislature created a new Office of Elder Fraud and Assistance within OPA to sue to recover on behalf of Alaskans 60 years and older who have been the victims of fraud and other kinds of financial exploitation. OPA will be working closely with other agencies to ensure that there is no duplication of efforts and will primarily receive referrals through Adult Protective Services. The agency will also ensure that OPA only takes cases where no other assistance is available to elderly Alaskans by continuing to seek involvement of the private legal sector.

Significant Changes in Results to be Delivered in FY2010

OPA will continue to establish procedures to provide services as efficiently as possible by closely reviewing the appointments that OPA receives and to the extent possible reducing the number of cases that go to private service providers. The agency will also focus on providing adequate administrative and supervisory support to our staff to allow them to more efficiently handle their heavy caseloads. OPA will put in place measures to better review the work of the private service providers to ensure that the agency is providing services as efficiently as possible.

During 2007, the agency established the Juvenile Delinquency Unit and the Appeals and Statewide Defense Section. These sections provide direct services statewide to OPA clients and provide support to our private service providers in the form of legal research and advice. The agency will expand the support that is provided to our private service providers to ensure that they are able to provide services as efficiently and effectively as possible.

Major Component Accomplishments in 2008

- OPA created the Office of Elder Fraud and Assistance in late 2006, and during the last 12 months alone the office has recovered hundreds of thousands of dollars on behalf of exploited elderly Alaskans. During the last year, the office developed a training program and provided training to organizations across the state, including the Anchorage Police Department and Alaska State Troopers, to assist in the investigation of crimes against the elderly.
- OPA improved and expanded Alaska CASA, the volunteer GAL program. In particular, the agency increased the number of Alaska Native volunteers. While 25% of Alaska's children are Native, they make up 60% of the children in state custody. In the last year, the number Native CASA volunteers increased by 80%, and the agency had an overall increase in volunteers of 32%. OPA received a National CASA program grant to expand the CASA program in the Mat-Su Valley where GAL caseloads have increased dramatically in the last three years. OPA has established a closer relationship with Friends of Alaska CASA, a private non-profit organization that supports the Alaska CASA program's efforts to recruit and support CASA volunteers.
- OPA actively participated in the inter-agency Criminal Justice Working Group. This group has focused on increasing efficiency in the Criminal Justice System. As a result of these efforts, and in cooperation with other state agencies, the participants are focused on establishing a system of providing electronic discovery to parties in criminal cases. This will eliminate costs and case delays associated with the transfer of paper police reports and other evidence on paper or compact discs.
- OPA implemented a mentorship program for new public guardians to provide sufficient support and supervision to ensure the success of our public guardian staff.
- OPA's child advocates developed and implemented a training plan for new staff GALs. OPA's child advocates planned and participated in the first annual statewide Indian Child Welfare Act Conference.
- OPA's child advocate and public guardians have improved the transition of disabled young people from OCS custody into adult guardianships.

- OPA created and implemented protocols for youth in state custody to participate in court hearings in child protection proceedings.

Statutory and Regulatory Authority

AS 44.21.400 et seq. Office of Public Advocacy

Contact Information
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Office of Public Advocacy Component Financial Summary

All dollars shown in thousands

	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	10,618.1	11,945.2	12,367.4
72000 Travel	249.9	249.9	249.9
73000 Services	8,237.7	8,319.1	8,331.6
74000 Commodities	296.6	296.6	296.6
75000 Capital Outlay	0.0	28.9	28.9
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	19,402.3	20,839.7	21,274.4
Funding Sources:			
1002 Federal Receipts	50.0	52.6	52.6
1004 General Fund Receipts	16,908.2	17,990.3	18,358.4
1005 General Fund/Program Receipts	130.8	130.8	130.8
1007 Inter-Agency Receipts	204.0	512.5	512.5
1037 General Fund / Mental Health	1,612.3	1,656.5	1,710.6
1092 Mental Health Trust Authority Authorized Receipts	0.0	0.0	12.5
1108 Statutory Designated Program Receipts	497.0	497.0	497.0
Funding Totals	19,402.3	20,839.7	21,274.4

Estimated Revenue Collections

Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Unrestricted Revenues				
Statutory Designated Program Receipts	51063	40.7	0.0	0.0
Unrestricted Fund	68515	0.8	0.0	0.0
Unrestricted Total		41.5	0.0	0.0
Restricted Revenues				
Federal Receipts	51010	50.0	52.6	52.6
Interagency Receipts	51015	204.0	512.5	512.5
General Fund Program Receipts	51060	130.8	130.8	130.8
Statutory Designated Program Receipts	51063	497.0	497.0	497.0
Mental Health Trust Authority Auth.Rec.	51410	0.0	0.0	12.5
Restricted Total		881.8	1,192.9	1,205.4

Estimated Revenue Collections				
Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Total Estimated Revenues		923.3	1,192.9	1,205.4

**Summary of Component Budget Changes
From FY2009 Management Plan to FY2010 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2009 Management Plan	19,777.6	52.6	1,009.5	20,839.7
Adjustments which will continue current level of service:				
-Correct Unrealizable Fund Sources in the Salary Adjustment for the Existing Bargaining Unit Agreements	14.1	-1.9	-12.2	0.0
-FY2010 Wage and Health Insurance Increases for Bargaining Units with Existing Agreements	408.1	1.9	12.2	422.2
Proposed budget increases:				
-MH Trust: Dis Justice-Deliver training for defense attorneys	0.0	0.0	12.5	12.5
FY2010 Governor	20,199.8	52.6	1,022.0	21,274.4

**Office of Public Advocacy
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2009</u> <u>Management</u> <u>Plan</u>	<u>FY2010</u> <u>Governor</u>		
Full-time	118	118	Annual Salaries	8,268,908
Part-time	1	1	COLA	330,323
Nonpermanent	2	2	Premium Pay	36,376
			Annual Benefits	4,126,103
			<i>Less 3.09% Vacancy Factor</i>	(394,310)
			Lump Sum Premium Pay	0
Totals	121	121	Total Personal Services	12,367,400

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accountant III	1	0	0	0	1
Accounting Tech II	3	0	0	0	3
Accounting Tech III	2	0	0	0	2
Administrative Assistant I	1	0	0	0	1
Administrative Clerk II	3	1	0	0	4
Administrative Clerk III	2	0	0	0	2
Administrative Officer I	1	0	0	0	1
Administrative Officer II	1	0	0	0	1
Assoc Attorney II	12	2	1	1	16
Attorney II	2	0	0	1	3
Attorney III	3	2	0	2	7
Attorney IV	15	3	0	3	21
Attorney V	8	2	1	2	13
Attorney VI	1	0	0	0	1
Division Director	1	0	0	0	1
Investigator III	3	1	0	1	5
Law Office Assistant I	4	1	0	2	7
Law Office Assistant II	1	0	0	0	1
Paralegal I	7	2	1	2	12
Paralegal II	1	0	0	0	1
Project Coord	1	0	0	0	1
Public Guardian	10	3	2	1	16
Student Intern II	0	0	1	0	1
Totals	83	17	6	15	121